

United States Court of Appeals
For the District of Columbia

Mixed Stine, et al.,
Petitioners

Appeal under 28 USC 1291 or For writ of Mandamus
to the United States District Court

Mixed Stine 55436-098

U.S. Penitentiary ADX

P.O. Box ~~500~~

Florence CO 81224

Leroy Buhl 40114-066

U.S. Penitentiary ADX

PO Box 8500

Florence CO 81224

Jeremy Pinson # 16267-069

Medical Center For Federal Prisoners

PO Box 4000

Springfield MO 65801

Table of Contents

Page

Factual Background

Argument

Conclusion

Appendix A

Appendix B

Appendix C

Appendix D

Factual Background

Appellants submitted and FOIA/Privacy Act

Suit on Dec. 23, 2016. The District Court received

it

Jan. 11, 2017 and denied leave to proceed in

Forma Paupers status Feb. 9, 2017 without apportioning

fees or allowing time to submit the filing fee due post-

apportionment.

Argument

1- The District Court Failed To Apportion The Filing Fee

This Court has previously ruled following amicus briefing that filing fees are to be split among the parties. See *Pinson v. Samuels*, No. 10-5059 (Oct. 2014 ORDER); In re Prison Litigation Reform Act, 105 F.3d 1131, 1138 (6th Cir. 1997). The district court below assessed the entire fee to each litigant which makes little sense. If a lawyer sues on behalf of 20 plaintiffs he pays 20 filing fees? No. He pays one. But with prisoners the courts have interpreted 28 USC 1914 in a way it doesn't read.

2- The District Court Failed To give Time To Pay The Apportioned Fee

The District Court gave no time to pay the properly apportioned fee before rejecting the case, this was improper. See: *Redmond v. Gill*, 352 F.3d 881, 884 (3d Cir. 2003); *Wilson v. Sargent*, 313 F.3d 1315, 1321 (11th Cir. 2002); *Hatchet v. Nettles*, 201 F.3d 651, 652 (5th Cir. 2000); *McGore v. Wigglesworth*, 114 F.3d 601, 602-08 (6th Cir. 1997); *Beyer v. Comm'r*, 235 F.3d 1039, 1041 (7th Cir. 2000).

Conclusion

The Court should Reverse and Remand with instructions to proceed anew.

Appendix A

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

District of Columbia

Mital Singh et al.

Plaintiff/Petitioner

U.S. Dept. of Justice

Defendant/Respondent

Civil Action No.

Leave to file without prepayment
of costs DENIED 28 USC § 1915g
2/9/17

United States District Judge

No imminent danger
shown.APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: ADX USP

If employed there; or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

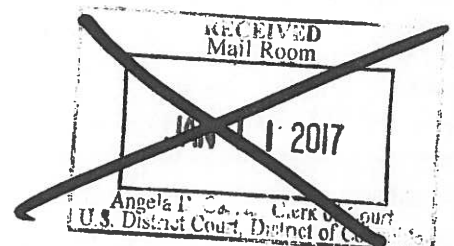
2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|------------------------------|----------------------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.



AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

0

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

0

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

0

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

0

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 12-23-16

Leroy Bohl
Applicant's signature

Leroy Bohl
Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: M. Neal Stone et al v. U.S. Dept. of Justice

Civil Action No. _____

I, Leroy Buhl, Reg. No. 40114-066,
hereby consent for the appropriate prison official to withhold from my prison account and to pay the
U.S. District Court an initial fee of 20 percent of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches \$10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the \$400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the \$400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

Leroy Buhl
Signature of Plaintiff

12-23-16
Date

Appendix B

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

District of Columbia

Mikael Stone et al

Plaintiff/Petitioner

U.S. Dept. of Justice

Defendant/Respondent

Civil Action No.

Leave to file without prepayment
of costs DENIED 2/7/17

United States District Judge

No imminent danger
shown.APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at:

MCFP Springfield

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0 , and my take-home pay or wages are: \$ 0 per
(specify pay period)

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|-----------------------------------------|-----------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (f) Any other sources | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.



AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ 140.00.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

\$12,000

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 1-3-17


Applicant's signature

Jeremy Pinson
Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: Mikael Stone et al v. U.S. Dept. of Justice

Civil Action No. _____

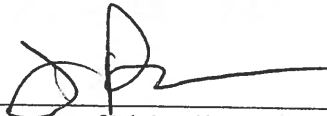
I, Jeremy Finson, Reg. No. _____,
hereby consent for the appropriate prison official to withhold from my prison account and to pay the
U.S. District Court an initial fee of 20 percent of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches \$10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the \$400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the \$400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.



Signature of Plaintiff

1-3-17

Date

Appendix C

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the
District of Columbia

Mikael Stue et al

Plaintiff/Petitioner

U.S. Dept. of Justice

Defendant/Respondent

Civil Action No.

Leave to file without prepayment
of costs DENIED 28 USC § 1915g2/7/17
United States District Judge20 minutes
shownAPPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: ADX Florence

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

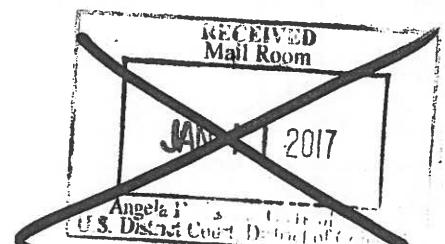
2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) _____.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|----------------------------------------------------|------------------------------|----------------------------------------|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.



AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

N/A

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

N/A

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date:

12-23-16Mikeal Glenn Stone

Applicant's signature

Mikeal Glenn Stone

Printed name

UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF COLUMBIA

CONSENT TO COLLECTION OF FEES FROM TRUST ACCOUNT

Re: Stine et al v. U.S. Dept. of Justice

Civil Action No. _____

I, Michael Stine, Reg. No. 55936-098,
hereby consent for the appropriate prison official to withhold from my prison account and to pay the
U.S. District Court an initial fee of 20 percent of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint.

I further consent for the appropriate prison officials to collect from my account on a continuing basis each month, an amount equal to 20 percent of each month's income. Each time the amount in the account reaches \$10.00, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court, until such time as the \$400.00 filing fee is paid in full.

If appropriate, I will execute the institution consent form where I am housed, which will permit the staff to withdraw the amount ordered by this court as payment for the filing fee each month until the \$400.00 filing fee is paid in full.

By executing this document, I also authorize collection, on a continuing basis, of any costs imposed by the District Court.

Michael Stine
Signature of Plaintiff

12-23-16
Date

Appendix D

United States District Court
District of Columbia

Mikeal Stine,
Jeremy Pinson,
Leroy Buhl,
Plaintiffs,

v.

U.S. Dept. of Justice, CIA,
Defendant

Case No. _____

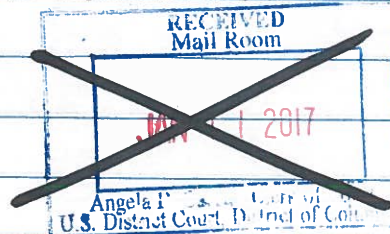
Civil Complaint pursuant to the
FOIA 5 U.S.C. and Privacy Act,
552, 552a.

I. Jurisdiction and Venue

Jurisdiction is asserted pursuant to 28 USC 1331 and
5 U.S.C. 552, 552a, 702. Venue is proper under 28 USC 1391(c).

II. Parties

- A. Plaintiffs are inmates in the Federal Bureau of Prisons.
- B. Defendant is an agency in the Executive Branch of the United States.



III. Claims

- A. Defendant violated the Privacy Act, 5 U.S.C. 552a.
- B. Defendant violated the FOIA, 5 U.S.C. 552.



IV. Statement of Facts

- 1. Plaintiffs submitted FOIA requests to numerous federal agencies and received no response within 20 days.

2. The agencies plaintiff submitted FOIA request to were:
- A. Executive Office For U.S. Attorneys
 - B. Office of Information Policy
 - C. Federal Bureau of Investigation
 - D. Federal Bureau of Prisons
 - E. United States Marshals Service
 - F. Office of Inspector General
 - G. Central Intelligence ~~Center~~ Agency
3. Agencies A-F above are sub-agencies of defendant DOS.
4. Upon receipt of more than a dozen joint requests by plaintiffs the agencies A-G didn't produce any records within 20 days or notify plaintiffs as required by law of updates.
5. The BOP's Office of Internal Affairs maintains thousands of pages of records on plaintiffs which emails demonstrate contain dozens of false conclusions and information. OIA refused a request to contest the false information as required by 5 U.S.C. 552a.
6. Plaintiffs lack file numbers due to property seizures by the BOP.

✓- Requested Relief

- 1. Plaintiffs seek release of requested records via injunction.
- 2. Plaintiffs seek correction of all false information maintained by BOP-OIA.

Executed under penalty of perjury pursuant to 28 USC 1746.

Leroy Buhl

Leroy Buhl # 40114-066

PO Box 7000

Florence CO 81226

Mituel Glenn Stine

Mituel Stine # 55136-098

PO Box 4000

Florence CO 81226

Jeremy Pinzon

Jeremy Pinzon # 16267-069

PO Box 4000

~~Springfield~~ Springfield, MO, 65801

United States District Court
District of Columbia

Michael Stine, et al.
Plaintiffs

v.

U.S. Dept. of Justice,
Defendant

Case No.

Motion to Apportion Filing Fee

Comes now the plaintiffs and seek to apportion the filing fee as the D.C. Circuit ruled in *Pinson v. Samuels* No. 10-5059 (D.C. Cir.) and *In re PLRA*, 105 F.3d 1131, 1138 (6th Cir. 1997).

Wherefore this motion should be granted with

45 days to pay the apportioned fee - 28 U.S.C. 1914.

Leroy Buhl

Leroy Buhl # 4044-066

PO Box 7000

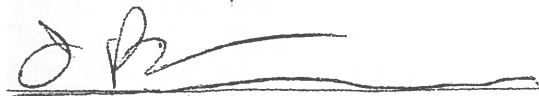
Florence CO 81226


Michael Stine

Michael Stine # 55436-098

PO Box 7000

Florence CO 81226


Jeremy Pinson # 16267004
PO Box 4000
Springfield MO 65801



Jeremy Pinson # 16267064

Po Box 4000

Springfield MO 65801

Legal Mail

Jeremy Pinson #16267-067
Medical Center for Federal Prisoners
P.O. Box 4000
Springfield, Missouri 65801-4000



U.S. District Court
333 Constitution Ave NW
Washington DC 20001

Appendix E